

Second Amendment to the Federal Climate Protection Act - Key excerpts:

Article 1

The Federal Climate Protection Act of 12 December 2019 (Federal Law Gazette I p. 2513), as amended by Article 1 of the Act of 18 August 2021 (Federal Law Gazette I p. 3905), is hereby amended as follows:

Section 4

b) Paragraph 1 shall read as follows:
"(1) In order to comply with the national climate protection targets pursuant to Section 3(1), **a cross-sectoral and multi-year overall calculation** shall be carried out. For this purpose, total annual emissions shall be determined, in particular as a basis for the review pursuant to Sections 5, 5a, 8, and 10 and for the overall reduction target pursuant to Section 8(1). The total annual emissions for the period up to the end of 2030 are set out in Annex 2."

d) Paragraph 3 becomes paragraph 2, and in sentence 1, the words 'the respective permissible annual emission quantity in a sector' are replaced by the words 'the respective total annual emission quantity', and the words 'annual emission quantities of the sector' are replaced by the words 'total annual emission quantities'.

e) Paragraph 4 shall read as follows:
"(4) [...] These total annual emission quantities must be consistent with the achievement of the national climate protection targets of this Act and the requirements of European Union law. [...]"

Section 5

c) Paragraph 2 shall be amended as follows:
d) The following paragraphs 3 to 5 shall be inserted after paragraph 2:
(3) All federal ministries responsible for the sectors shall make an appropriate contribution to achieving the national climate protection targets pursuant to Section 3(1).

Section 5a Projection data

Each year, the Federal Environment Agency shall compile projection data on future emissions trends, both overall and in the sectors specified in Section 5(1), for all subsequent years up to and including 2030 and at least for the years 2035, 2040, and 2045, based on currently available emissions data and in accordance with the requirements of the European Governance Regulation. From 2020 onwards, the Federal Environment Agency shall prepare projection data for all subsequent years up to and including 2040 and at least for 2045.

Section 8

a) In the heading, the word 'immediate programme' is replaced by the word 'approach' and the words 'annual emission quantities' are replaced by the words 'total annual emissions'.

(b) Paragraphs 1 and 2 shall be replaced by the following:
"(1) If, according to the expert council on climate issues pursuant to Section 12(1), the projection data pursuant to Section 5a show in **two consecutive years** that, when all sectors are considered together, the total greenhouse gas emissions in the years 2021 to 2030 inclusive exceed the total annual emissions quantities specified in Annex 2 in conjunction with Section 4(2) for these years, the Federal Government shall decide on measures to ensure compliance with the total annual emissions for these years; this shall apply up to and including 2029. No subsequent adjustment shall be made if the Federal Government has already adopted a resolution in the same year in which the repeated exceedance pursuant to sentence 1 was determined, or in previous years, which fulfils the requirement pursuant to sentence 1."

c) Paragraph 4 shall read as follows:
“(4) Weisen die Projektionsdaten nach §5a nach "(4) If, according to the expert council for climate issues pursuant to Section 12(1), the projection data pursuant to Section 5a show in two consecutive years that, when all sectors are considered together, the total greenhouse gas emissions in the years 2031 to 2040 inclusive exceed the total annual emissions pursuant to Section 4(4) in conjunction with Section 4(2) for these years, the Federal Government shall decide on measures from 2030 onwards to ensure compliance with the total annual emissions for the years 2031 to 2040."

Section 12

a) Paragraph 1 shall be amended as follows:
bb) The following sentences are added:
"In doing so, it shall determine, on an aggregate basis for all sectors, the extent to which the total greenhouse gas emissions according to the projection data exceed or fall short of the total annual emissions quantities specified in Annex 2 in conjunction with Section 4(2) in the years 2021 to 2030 inclusive; from 2029 onwards, it shall also determine, on an aggregated basis for all sectors, the extent to which the total greenhouse gas emissions according to the projection data exceed or fall short of the total annual emissions according to Section 4(4) in conjunction with Section 4(5) in the years 2031 to 2040 inclusive."

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Second Act Amending the Federal Climate Protection Act



FRFG - Foundation for the Rights of Future Generations

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